IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1013 OF 2005

IN

SUIT NO.993 OF 2005

Diligent Media Corpn. .. Plaintiff

versus

Bennett Coleman & Co.Ltd & anr .. Defendants

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Dr.V.V.Tulzapurkar, Mr.Virag Tulzapurkar
i.b Mr.R.D.Suvarna for Plaintiff
Mr. Janak Dwarkadas with Mr.A.S.Doctor
i.b Kanga & Co for Defendants.

CORAM : D.G. KARNIK, J

DATED : 4th April, 2005.

P.C:-

1. Heard learned counsel for the plaintiff and the defendants. In addition to the statement made in para 13 of the affidavit in reply dated 4th April, 2005 sworn in by Mr.Ranjit Kate and Mr.Padmakar Rao of the defendants, the defendants a through learned counsel

state that the defendants are not intending to nor are they desirous of repeating the impugned advertisement or advertisements with similar concept which are subject matter of the present suit in any of the newspaper or media pending decision of this suit. This statement is made without prejudice to their rights and contentions in the suit. Statement is recorded and accepted. In view of this statement and without accepting the contentions in the affidavit in reply, learned counsel for the plaintiff does not press the motion. Motion is disposed of with clarification that all issues are kept open at the stage of trial.

D.G.KARNIK, J